

Sec. 2. Section 595.3, subsection 2, Code 1997, is amended to read as follows:

2. Where either party is under eighteen years of age, unless the marriage is approved by a judge of the district court as provided by section 595.2, ~~subsection 2.~~

Sec. 3. NEW SECTION. 595.20 FOREIGN MARRIAGES — VALIDITY.

A marriage which is solemnized in any other state, territory, country, or any foreign jurisdiction which is valid in that state, territory, country, or other foreign jurisdiction, is valid in this state if the parties meet the requirements for validity pursuant to section 595.2, subsection 1, and if the marriage would not otherwise be declared void.

Sec. 4. TASK FORCE — DOMESTIC PARTNERS. The legislative council is requested to establish an interim task force to review the issues faced by domestic partners including but not limited to property rights, access to courts, parentage, inheritance, hospital or health care facility visitation, health decisions, contract rights, workplace benefits, insurance coverage, and retirement benefits. The task force shall include representatives of the legal profession, the courts, insurance, business and industry, labor, consumers who are domestic partners, and others with interest or expertise in this area. The task force shall submit a report of recommendations concerning these issues and recommendations for any necessary legislation to the general assembly by January 1, 1999.

Approved April 15, 1998

CHAPTER 1100

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2162

AN ACT relating to nonsubstantive Code corrections and including a retroactive applicability provision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 15.353, subsection 5, paragraph b, Code Supplement 1997, is amended to read as follows:

b. "Local housing group" means an entity organized to represent community housing development ~~interest~~ interests.

Sec. 2. Section 15E.182, subsection 1, paragraph b, Code Supplement 1997, is amended to read as follows:

b. The director of the department of economic development.

Sec. 3. Section 15E.182, subsection 3, paragraph e, Code Supplement 1997, is amended to read as follows:

e. Conduct an annual risk analysis which matches the current and anticipated value of investments made pursuant to this division with the current and anticipated value of any tax credits given. If the anticipated value of any tax credits given exceeds the anticipated value of investments, the department of economic development shall establish a reserve account within the strategic investment fund sufficient to cover such losses to the general fund of the state in the event of the termination of the Iowa capital investment board.

Sec. 4. Section 15E.183, subsection 2, Code Supplement 1997, is amended to read as follows:

2. The department of revenue and finance shall, in consultation with the Iowa capital transition board, develop a system for the registration, issuance, transfer, or redemption of tax credits issued by the state under this section. The department of revenue and finance shall also, in consultation with the Iowa capital transition board, adopt any other policies, procedures, or rules pursuant to chapter 17A necessary for the administration of tax credits issued by the state under this section.

Sec. 5. Section 15E.184, Code Supplement 1997, is amended to read as follows:
15E.184 SUPPORT.

The department of economic development shall provide staff assistance, physical facilities, and other support as necessary.

Sec. 6. Section 49.30, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

~~The names of all candidates, All~~ constitutional amendments, ~~and all public measures, and the names of all candidates, other than presidential electors,~~ to be voted for in each election precinct, ~~other than presidential electors,~~ shall be printed on one ballot, except that separate ballots are authorized under the following circumstances:

Sec. 7. Section 49.47, Code Supplement 1997, is amended to read as follows:
49.47 NOTICE ON BALLOTS.

At the top of paper ballots for public measures shall be printed the following:

[Notice to voters. To vote to approve any question on this ballot, make a cross mark or check in the target ~~after~~ before the word "Yes". To vote against a question make a similar mark in the target ~~following~~ preceding the word "No".]

This notice shall be adapted to describe the proper mark where it is appropriate.

Sec. 8. Section 49.94, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

~~If the names of~~ all the candidates for whom a voter desires to vote in any election other than the primary election were nominated by the same political party or nonparty political organization, and the voter desires to vote for all candidates nominated by that political party or organization, the voter may do so in any one of the following ways:

Sec. 9. Section 49.95, Code Supplement 1997, is amended to read as follows:
49.95 VOTING PART OF TICKET ONLY.

~~If the names of~~ all the candidates for whom the voter desires to vote were nominated by the same political party or nonparty political organization but the voter does not desire to vote for all of the candidates nominated by the party or organization, the voter shall mark the voting target next to the name of each candidate for whom the voter desires to vote without marking the target next to the name of the party or organization in the straight party or organization section of the ballot.

Sec. 10. Section 49.97, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

~~If the names of~~ all candidates for whom a voter desires to vote were not nominated by the same political party or nonparty political organization, the voter may indicate the candidates of the voter's choice by marking the ballot in any one of the following ways:

Sec. 11. Section 52.10, Code Supplement 1997, is amended to read as follows:
52.10 BALLOTS — FORM.

All ballots shall be printed in black ink on clear, white material, of such size as will fit the ballot frame, and in as plain, clear type as the space will reasonably permit. The party name for each political party represented on the machine shall be prefixed to the list of candidates of such party. The order of the list of candidates of the several parties or organizations shall be arranged as provided in sections 49.30 to ~~49.41~~ 49.42A, except that the lists may be

arranged in horizontal rows or vertical columns to meet the physical requirements of the voting machine used.

Sec. 12. Section 97A.3, subsection 1, Code 1997, is amended to read as follows:

1. All members of the division of highway safety, uniformed force, and radio communications and the division of criminal investigation and bureau of identification in the department of public safety, excepting the members of the clerical force, who are employed by the state of Iowa ~~when this chapter becomes effective on July 4, 1949,~~ and all persons thereafter employed as members of such divisions in the department of public safety or division of drug law enforcement and arson investigators, except the members of the clerical force, shall be members of this system, except as otherwise provided in subsection 3. Effective July 1, 1994, gaming enforcement officers employed by the division of criminal investigation for excursion boat gambling enforcement activities, fire prevention inspector peace officers employed by the department of public safety, and employees of the division of capitol police, except clerical workers, shall be members of this system, except as otherwise provided in subsection 3 or section 97B.42B. Such members shall not be required to make contributions under any other pension or retirement system of the state of Iowa, anything to the contrary notwithstanding.

Sec. 13. Section 135.83, Code Supplement 1997, is amended to read as follows:

135.83 CONTRACTS FOR ASSISTANCE WITH ANALYSES, STUDIES AND DATA.

In furtherance of the department's responsibilities under sections 135.76, ~~135.77~~ and 135.78, the director may contract with the ~~Iowa hospital~~ association of Iowa hospitals and health systems and third party payers, the Iowa health care facilities association and third party payers, or the Iowa association of homes for the aging and third party payers for the establishment of pilot programs dealing with prospective rate review in hospitals or health care facilities, or both. Such contract shall be subject to the approval of the executive council and shall provide for an equitable representation of health care providers, third party payers, and health care consumers in the determination of criterion for rate review. No third party payer shall be excluded from positive financial incentives based upon volume of gross patient revenues. No state or federal funds appropriated or available to the department shall be used for any such pilot program.

Sec. 14. Section 135.105A, subsections 3 and 4, Code Supplement 1997, are amended to read as follows:

3. A person who owns real property which includes a residential dwelling and who performs lead inspection or lead abatement of the residential dwelling is not required to obtain certification to perform these measures, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while the measures are being performed. However, the department shall encourage property owners and ~~managers~~ who are not required to be certified to complete the training course to ensure the use of appropriate and safe mitigation and abatement procedures.

4. A Except as otherwise provided in this section, a person shall not perform lead abatement or lead inspections unless the person has completed a training program approved by the department and has obtained certification. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

Sec. 15. Section 135.107, subsection 4, Code Supplement 1997, is amended to read as follows:

4. The director of public health shall establish a primary care collaborative work group to coordinate all statewide recruitment and retention activities established pursuant to this section and to make recommendations to the department and the center for rural health and primary care relating to the implementation of subsection 3. Membership of the work group shall consist, at a minimum, of representatives from the university of Iowa college of medicine, university of osteopathic medicine and health sciences, university of Iowa physician

assistant school, university of Iowa nurse practitioner school, university of osteopathic medicine and health sciences physician assistant program, Iowa-Nebraska primary care association, Iowa medical society, Iowa osteopathic medical association, Iowa chapter of American college of osteopathic family physicians, Iowa academy of family physicians, nurse practitioner association, Iowa nurses association, ~~Iowa hospital association of Iowa hospitals and health systems~~, and Iowa physicians assistants association.

Sec. 16. Section 135B.20, subsection 4, Code 1997, is amended to read as follows:

4. "Joint conference committee" shall mean the joint conference committee as required by the joint commission on accreditation of ~~hospitals~~ health care organizations or, in a hospital having no such committee, a similar committee, an equal number of which shall be members of the medical staff selected by the staff and an equal number of which shall be selected by the governing board of the hospital.

Sec. 17. Section 135J.2, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The hospice program shall meet the criteria pursuant to section 135J.3 before a license is issued. The department of inspections and appeals is responsible to provide the necessary personnel to inspect the hospice program, the home care and inpatient care provided and the hospital or facility used by the hospice to determine if the hospice complies with necessary standards before a license is issued. Hospices that are certified as medicare hospice providers by the department of inspections and appeals or are accredited as hospices by the joint commission ~~for~~ on the accreditation of hospitals health care organizations, shall be licensed without inspection by the department of inspections and appeals.

Sec. 18. Section 147A.2, Code 1997, is amended to read as follows:

147A.2 COUNCIL ESTABLISHED — TERMS OF OFFICE.

An EMS advisory council shall be appointed by the director. Membership of the council shall be comprised of individuals nominated from, but not limited to, the following state or national organizations: Iowa osteopathic medical association, Iowa medical society, American college of emergency physicians, Iowa physician assistant society, Iowa academy of family physicians, university of Iowa hospitals and clinics, Iowa EMS association, Iowa firemen's association, Iowa professional firefighters, EMS education programs committee, EMS regional council, Iowa nurses association, ~~Iowa hospital association of Iowa hospitals and health systems~~, and the Iowa state association of counties.

The EMS advisory council shall advise the director and develop policy recommendations concerning the regulation, administration, and coordination of emergency medical services in the state.

Sec. 19. Section 147A.24, subsection 1, paragraphs i and j, Code 1997, are amended to read as follows:

i. ~~Iowa hospital association~~ Association of Iowa hospitals and health systems representing rural hospitals.

j. ~~Iowa hospital association~~ Association of Iowa hospitals and health systems representing urban hospitals.

Sec. 20. Section 155A.13, subsection 4, paragraph d, Code 1997, is amended to read as follows:

d. Give recognition to the standards of the joint commission on the accreditation of hospitals health care organizations and the American osteopathic association and to the conditions of participation under medicare.

Sec. 21. Section 169C.4, subsection 1, paragraphs a and b, Code Supplement 1997, are amended to read as follows:

a. To a landowner for damages caused by the livestock owner's livestock which have trespassed on the landowner's land, including but not limited to property damage and costs

incurred by a the landowner's custody of the livestock including maintenance costs. A livestock owner's liability is not affected by the failure of a landowner to take custody of the livestock. A livestock owner shall not be liable for damages incurred by ~~the a~~ landowner if the livestock trespassed through a fence that was not maintained by the landowner as required pursuant to chapter 359A.

b. To a landowner who takes custody of livestock on a public road as provided in section ~~169C.3~~ 169C.2 for costs incurred by the landowner in taking custody of the livestock, including maintenance costs.

Sec. 22. Section 169C.4, subsection 3, Code Supplement 1997, is amended to read as follows:

3. ~~An aggrieved party~~ A landowner is not liable for an injury or death suffered by the livestock in the landowner's custody, unless the landowner caused the injury or death. The landowner is not liable for livestock that strays from the landowner's land. An aggrieved party is not liable for livestock that strays from the control of the aggrieved party.

Sec. 23. Section 218.99, Code Supplement 1997, is amended to read as follows:
218.99 COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS.

The administrator of a division of the department of human services in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction which is mentioned in section 331.424, subsection 1, paragraphs "a" and "b" and for which services are paid under section 331.424A to quarterly inform the county of legal settlement's entity designated to perform the county's single entry point process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the entity designated to perform the county's single entry point process at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the director of human services and the administrator of the division of the department in control of the institution involved.

Sec. 24. Section 232.19, subsection 1, paragraph c, Code Supplement 1997, is amended to read as follows:

c. By a peace officer, when the peace officer has reasonable grounds to believe the child has run away from the child's parents, guardian, or custodian, for the purposes of determining whether the child shall be reunited with the child's parents, guardian, or custodian, placed in shelter care, or, if the child is a chronic runaway and the county has an approved county runaway treatment plan, placed in a runaway assessment ~~and counseling~~ center under section 232.196.

Sec. 25. Section 232.54, subsection 7, Code Supplement 1997, is amended to read as follows:

7. With respect to a juvenile court dispositional order entered regarding a child who has received a youthful offender deferred sentence under section 907.3A, the dispositional order may be terminated prior to the child reaching the age of eighteen upon motion of the child, the person or agency to whom custody of the child has been transferred, or the county attorney following a hearing before the juvenile court if it is shown by clear and convincing evidence that it is in the best interests of the child and the community to terminate the order. The hearing may be waived if all parties to the proceeding agree. The dispositional order regarding a child who has received a youthful offender deferred sentence may also be terminated prior to the child reaching the age of eighteen upon motion of the county attorney, if the waiver of the child to district court was conditioned upon the terms of an agreement between the county attorney and the child, and the child violates the terms of the agreement after the waiver order has been entered. The district court shall discharge the child's youthful offender status upon receiving a termination order under this section.

Sec. 26. Section 232.148, subsection 5, paragraph b, Code Supplement 1997, is amended to read as follows:

b. After a petition is filed, the petition is dismissed or the proceedings are suspended and the child has not entered into a consent decree, and has not been adjudicated delinquent on the basis of a delinquent act other than one alleged in the petition in question, or the child has not been placed on youthful offender status.

Sec. 27. Section 232.163, subsection 2, Code Supplement 1997, is amended to read as follows:

2. If a child is placed outside the residency state of the child's parent, the ~~placement~~ sending agency shall provide for a designee to visit the child at least once every twelve months and to submit a written report to the court concerning the child and the visit.

Sec. 28. Section 232.195, Code Supplement 1997, is amended to read as follows:
232.195 RUNAWAY TREATMENT PLAN.

A county may develop a runaway treatment plan to address problems with chronic runaway children in the county. The plan shall identify the problems with chronic runaway children in the county and specific solutions to be implemented by the county, including the development of a runaway assessment ~~and counseling~~ center.

Sec. 29. Section 232.196, Code Supplement 1997, is amended to read as follows:
232.196 RUNAWAY ASSESSMENT ~~AND COUNSELING~~ CENTER.

1. As part of a county runaway treatment plan under section 232.195, a county may establish a runaway assessment ~~and treatment~~ center or other plan. The center or other plan, if established, shall provide services to assess a child who is referred to the center or plan for being a chronic runaway and intensive family counseling services designed to address any problem causing the child to run away. A center shall at least meet the requirements established for providing child foster care under chapter 237.

2. a. If not sent home with the child's parent, guardian, or custodian, a chronic runaway may be placed in a runaway assessment ~~and treatment~~ center by the peace officer who takes the child into custody under section 232.19, if the officer believes it to be in the child's best interest after consulting with the child's parent, guardian, or custodian. A chronic runaway shall not be placed in a runaway assessment ~~and treatment~~ center for more than forty-eight hours.

b. If a runaway is placed in a ~~treatment~~ assessment center according to a county plan, the runaway shall be assessed within twenty-four hours of being placed in the center by a center counselor to determine the following:

(1) The reasons why the child is a runaway.

(2) Whether the initiation or continuation of child in need of assistance or family in need of assistance proceedings is appropriate.

c. As soon as practicable following the assessment, the child and the child's parents, guardian, or custodian shall be provided the opportunity for a counseling session to identify the underlying causes of the runaway behavior and develop a plan to address those causes.

d. A child shall be released from a runaway assessment ~~and treatment~~ center, established pursuant to the county plan, to the child's parents, guardian, or custodian not later than forty-eight hours after being placed in the center unless the child is placed in shelter care under section 232.21 or an order is entered under section 232.78. A child whose parents, guardian, or custodian failed to attend counseling at the center or fail to take custody of the child at the end of placement in the center may be the subject of a child in need of assistance petition or such other order as the juvenile court finds to be in the child's best interest.

Sec. 30. Section 235C.2, subsection 8, Code 1997, is amended to read as follows:

8. A hospital administrator selected by the board of the ~~Iowa hospital~~ association of Iowa hospitals and health systems.

Sec. 31. Section 252B.1, subsection 2, Code Supplement 1997, is amended to read as follows:

2. "Child" includes but shall not be limited to a stepchild, foster child or legally adopted child and means a child actually or apparently under eighteen years of age, and a dependent person eighteen years of age or over who is unable to maintain the person's self and is likely to become a public charge. "Child" includes "~~dependent children~~ child" as defined in section 239B.1.

Sec. 32. Section 255.26, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Warrants issued under section 255.25 shall be promptly drawn on the treasurer of state and forwarded by the director of revenue and finance to the treasurer of the state university, and the same shall be by the treasurer of the state university placed to the credit of the funds which are set aside for the support of ~~said the university~~ hospital. However, warrants shall not be paid unless the UB-82 claim required pursuant to section 255A.13 has been filed with the ~~Iowa community health data commission~~ management information system. The superintendent of the ~~said~~ university hospital shall certify to the auditor of state on the first day of January, April, July and October of each year, the amount as herein provided not previously certified by the superintendent due the state from the several counties having patients chargeable thereto, and the auditor of state shall thereupon charge the same to the county so owing. A duplicate certificate shall also be mailed to the auditor of each county having patients chargeable thereto. Expenses for obstetrical patients served under section 255A.9 shall be reimbursed as specified in section 255A.9.

Sec. 33. Section 255A.13, Code 1997, is amended to read as follows:
255A.13 DATA COLLECTION.

Beginning July 1, 1987, the University of Iowa hospitals and clinics shall submit, on a quarterly basis, UB-82 claims for all patients discharged after being served under the indigent patient program under chapter 255. The UB-82 claim shall include all data elements which are required by the ~~Iowa community health data commission~~ management information system.

Sec. 34. Section 257.14, subsection 2, Code Supplement 1997, is amended by striking the subsection.

Sec. 35. Section 260A.1, subsection 4, Code Supplement 1997, is amended to read as follows:

4. Moneys received by a community college under this section shall not be commingled with general state financial aid, including financial aid to merged areas in lieu of personal property tax replacement payments ~~under section 427A.13~~, to merged areas as defined in section 260C.2, and including moneys received for vocational education programs in accordance with chapters 258 and 260C. Payments made to a community college shall be accounted for by the community college separately from other state aid payments. Each community college shall maintain a separate listing within its budget accounting for payments received and expenditures made pursuant to this section and section 260A.3.

Sec. 36. Section 280.17, Code 1997, is amended to read as follows:
280.17 PROCEDURES FOR HANDLING CHILD ABUSE REPORTS.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures, in accordance with the guidelines contained in the model policy developed by the department of education in consultation with the department of human services, and adopted by the department of education pursuant to chapter 17A, for the handling of reports of child abuse, as defined in section 232.68, subsection 2, paragraph "a", "b c", or "d e", alleged to have been committed by an employee or agent of the public or nonpublic school.

Sec. 37. Section 297.22, subsection 3, Code Supplement 1997, is amended to read as follows:

3. The provisions in ~~subsection~~ subsections 1 and 2, relating to the sale, lease, or disposition of school district property do not apply to student-constructed buildings and the property on which student-constructed buildings are located. The board of directors of a school district may sell, lease, or dispose of a student-constructed building and the property on which the student-constructed building is located, and may purchase sites for the erection of additional structures, by any procedure which is adopted by the board.

Sec. 38. Section 307.25, subsection 4, Code Supplement 1997, is amended to read as follows:

4. Administer chapters ~~327A~~, 328, 329 and 330.

Sec. 39. Section 307.27, subsection 7, Code Supplement 1997, is amended to read as follows:

7. Administer the regulation of motor ~~vehicle-certificated~~ carriers pursuant to chapter ~~325~~ 325A.

Sec. 40. Section 307.27, subsection 8, Code Supplement 1997, is amended by striking the subsection.

Sec. 41. Section 321.20B, subsection 1, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

This subsection does not apply to the operator of a motor vehicle owned or leased to the United States, this state, or any political subdivision of this state or to a motor vehicle which is subject to section ~~325.26, 327.15, 327A.5, 325A.6~~ or 327B.6.

Sec. 42. Section 321.44A, Code Supplement 1997, is amended to read as follows:

321.44A VOLUNTARY CONTRIBUTION — ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION FUND — AMOUNT RETAINED BY COUNTY TREASURER.

For each application for registration or renewal, the county treasurer or the department shall request through use of a written form, and, if the application is made in person, through verbal communication, that an applicant make a voluntary contribution of one dollar or more to the anatomical gift public awareness and transplantation fund established pursuant to section 142C.15. Ninety-five percent of the moneys collected by the county and one hundred percent of the moneys collected by the department in the form of contributions shall be remitted to the treasurer of state for deposit in the fund to be used for the purposes specified for the fund. The remaining five percent of the moneys collected by the county shall be retained by the county treasurer for deposit in the general fund of the county. The director shall adopt rules to administer this section.

Sec. 43. Section 321.71, subsection 7, Code 1997, is amended to read as follows:

7. A certificate of title shall not be issued for a motor vehicle less than ten model years old which is equipped with an odometer by the manufacturer, unless an odometer statement which is in compliance with federal law and regulations has been made by the transferor of the vehicle and is furnished with the application for certificate of title. The new certificate of title shall record on its face the odometer reading and the word "actual" if the true mileage is known. If the odometer reading is not the true mileage or the true mileage is unknown, the words "not actual" shall be recorded. If the odometer reading is greater than the odometer can mechanically count, the words "exceeds the mechanical limits" shall be recorded. However, a certificate of title may be issued for a motor vehicle to a person who moves into this state if the person acquired ownership of the motor vehicle prior to moving to this state. This subsection does not apply to motor vehicles having a ~~registered~~ gross vehicle weight rating of more than sixteen thousand pounds.

Sec. 44. Section 321.179, subsection 1, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

Notwithstanding the provisions of this chapter or chapter 321L which grant sole authority to the department for the issuance of motor vehicle licenses, nonoperator's identification cards, and persons with disabilities ~~identification devices~~ parking permits, the counties of Adams, Cass, Fremont, Mills, Montgomery, and Page shall be authorized to issue motor vehicle licenses, nonoperator's identification cards, and persons with disabilities ~~identification devices~~ parking permits on a permanent basis. However, a county shall only be authorized to issue commercial driver's licenses if certified to do so by the department. If a county fails to meet the standards for certification under this section, the department itself shall provide for the issuance of commercial driver's licenses in that county. The department shall certify the county treasurers in the permanent counties to issue commercial driver's licenses if all of the following conditions are met:

Sec. 45. Section 321.216B, Code Supplement 1997, is amended to read as follows:

321.216B USE OF MOTOR VEHICLE LICENSE OR NONOPERATOR'S IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered motor vehicle license or nonoperator's identification card and who uses the license to violate or attempt to violate section 123.47, commits a simple misdemeanor punishable by a fine of one hundred dollars. The court shall forward a copy of the conviction ~~or order of adjudication under section 232.47~~ to the department.

Sec. 46. Section 321.231, subsection 5, Code Supplement 1997, is amended to read as follows:

5. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

Sec. 47. Section 321.284, Code 1997, is amended to read as follows:

321.284 OPEN CONTAINERS IN MOTOR VEHICLES.

A person driving a motor vehicle shall not knowingly possess in a motor vehicle upon a public street or highway an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage, wine, or beer with the intent to consume the alcoholic beverage, wine, or beer while the motor vehicle is upon a public street or highway. Evidence that an open or unsealed receptacle containing an alcoholic beverage, wine, or beer was found during an authorized search in the glove compartment, utility compartment, console, front passenger seat, or any unlocked portable device and within the immediate reach of the driver while the motor vehicle is upon a public street or highway is evidence from which the court or jury may infer that the driver intended to consume the alcoholic beverage, wine, or beer while upon the public street or highway if the inference is supported by corroborative evidence. However, an open or unsealed receptacle containing an alcoholic beverage, wine, or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designed or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 10, ~~paragraph "e"~~.

Sec. 48. Section 321.492, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

A peace officer having probable cause to stop a vehicle may require exhibition of the proof of insurance financial liability coverage card issued for the vehicle if the vehicle is a motor vehicle registered in this state.

Sec. 49. Section 321A.33, Code Supplement 1997, is amended to read as follows:
321A.33 EXCEPTIONS.

This chapter does not apply to any motor vehicle owned by the United States, this state, or any political subdivision of this state or to any operator, except for section 321A.4, while on official duty operating such motor vehicle. This chapter does not apply, except for sections 321A.4 and 321A.26, to any motor vehicle which is subject to section ~~325.26, 327.15, 327A.5, 325A.6~~ or 327B.6.

Sec. 50. Section 321J.2, subsection 3, paragraph a, subparagraph (3), Code Supplement 1997, is amended to read as follows:

(3) If the defendant has previously received a deferred judgment or sentence for a violation of subsection ~~2 1~~ or for a violation of a statute in another state substantially corresponding to subsection ~~2 1~~.

Sec. 51. Section 327C.2, Code Supplement 1997, is amended to read as follows:
327C.2 GENERAL JURISDICTION OF TRANSPORTATION DEPARTMENT.

The department has general supervision of all railroads in the state, express companies, car companies, freight and freight-line companies, motor carriers, and any common carrier engaged in the transportation of passengers or freight. However, the provisions of this chapter regarding the supervision of carriers do not apply to regular route motor carriers of passengers or charter carriers, as defined under section ~~325.1~~ 325A.12.

Sec. 52. Section 327D.1, Code Supplement 1997, is amended to read as follows:
327D.1 APPLICABILITY OF CHAPTER.

This chapter applies to intrastate transportation by for-hire common carriers of persons and property. However, this chapter does not apply to regular route motor carriers of passengers or charter carriers, as defined under section ~~325.1~~ 325A.12.

Sec. 53. Section 331.439, subsection 3, paragraph b, Code Supplement 1997, is amended to read as follows:

b. Based upon information contained in county management plans and budgets, the state-county management committee shall recommend an allowed growth factor adjustment to the governor by November 15 for the fiscal year which commences two years from the beginning date of the fiscal year in progress at the time the recommendation is made. The allowed growth factor adjustment shall address costs associated with new consumers of service, service cost inflation, and investments for economy and efficiency. In developing the service cost inflation recommendation, the committee shall consider the cost trends indicated by the gross expenditure amount reported in the expenditure reports submitted by counties pursuant to subsection 1, paragraph "b a". The governor shall consider the committee's recommendation in developing the governor's recommendation for an allowed growth factor adjustment for such fiscal year. The governor's recommendation shall be submitted at the time the governor's proposed budget for the succeeding fiscal year is submitted in accordance with chapter 8.

Sec. 54. Section 331.439, subsection 7, Code Supplement 1997, is amended to read as follows:

7. A county shall annually report data concerning the services managed by the county. At a minimum, the data reported shall indicate the number of different individuals who utilized services in a fiscal year and the various types of services. Data reported under this subsection shall be submitted with the county's expenditure report required under subsection 1, paragraph "b a".

Sec. 55. Section 400.1, Code Supplement 1997, is amended to read as follows:
400.1 APPOINTMENT OF COMMISSION.

In cities having a population of eight thousand or over and having a paid fire department

or a paid police department, the mayor, one year after ~~each~~ a regular municipal election, with the approval of the council, shall appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years. In cities having a population of more than one hundred thousand, the city council may establish, by ordinance, the number of civil service commissioners at not less than three.

For the purpose of determining the population of a city under this chapter, the federal census conducted in 1980 shall be used.

Sec. 56. Section 403.22, subsection 1, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

For a municipality with a population of five thousand or less, the municipality need not provide any low and moderate income family housing assistance if the municipality has completed a housing needs assessment meeting the standards set out by the department of economic development, which shows no low and moderate income housing need and the department of economic development agrees that no low and moderate income family housing assistance is needed.

Sec. 57. Section 422.7, subsection 12A, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

The additional deduction shall not be allowed for wages paid to an individual who was hired to replace an individual whose employment was terminated within the twelve-month period preceding the date of first employment. However, if the individual being replaced left employment voluntarily without good cause attributable to the employer or if the individual was discharged for misconduct in connection with the individual's employment as determined by the ~~division of job service of the department of employment services~~ workforce development, the additional deduction shall be allowed.

Sec. 58. Section 422.120, subsection 1, paragraph a, Code Supplement 1997, is amended to read as follows:

a. There is allowed a state tax credit for livestock production operations located in the state. The amount of the credit equals ten cents for each corn equivalent consumed by the livestock in the production operation as specified under this section. The credit shall be refunded as provided in section ~~422.121~~ 422.122.

Sec. 59. Section 426B.2, subsection 3, Code Supplement 1997, is amended to read as follows:

3. ~~The department director of human services shall notify the director of revenue and finance of the amounts due a county in accordance with the provisions of this section. The director of revenue and finance shall~~ draw warrants on the property tax relief fund, payable to the county treasurer in the amount due to a county in accordance with subsection 1 and mail the warrants to the county auditors in September and March of each year.

Sec. 60. Section 426B.3, subsection 1, Code Supplement 1997, is amended to read as follows:

1. The county auditor shall reduce the certified budget amount received from the board of supervisors for the succeeding fiscal year for the county mental health, mental retardation, and developmental disabilities services fund created in section 331.424A by an amount equal to the amount the county will receive from the property tax relief fund pursuant to section 426B.2, for the succeeding fiscal year and the auditor shall determine the rate of taxation necessary to raise the reduced amount. On the tax list, the county auditor shall compute the amount of taxes due and payable on each parcel before and after the amount received from the property tax relief fund is used to reduce the county budget. The director of ~~revenue and finance~~ human services shall notify the county auditor of each county of the

amount of moneys the county will receive from the property tax relief fund pursuant to section 426B.2, for the succeeding fiscal year.

Sec. 61. Section 452A.52, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Any person who is unable to display either of the permits or the license provided in section 452A.53 and brings into the state in the fuel supply tanks of a commercial motor vehicle more than thirty gallons of motor fuel or special fuel in violation of the provisions of the preceding paragraph is guilty of a simple misdemeanor.

Sec. 62. Section 452A.53, unnumbered paragraph 4, Code Supplement 1997, is amended to read as follows:

Each vehicle operated into or through Iowa in interstate operations using motor fuel or special fuel acquired in any other state shall carry in or on the vehicle a duplicate or evidence of the permit or license required in this section. A fee not to exceed fifty cents shall be charged for each duplicate or other evidence of a permit or license issued.

Sec. 63. Section 453A.3, subsection 2, Code Supplement 1997, is amended to read as follows:

2. A person who violates section 453A.2, subsection 2, shall pay a civil penalty pursuant to section 805.8, subsection 11. Failure to pay the civil penalty imposed for a violation of section 453A.2, subsection 2, is a simple misdemeanor punishable as a scheduled violation under section 805.8, subsection 11. Notwithstanding section 602.8106 or any other provision to the contrary, any civil penalty or criminal fine paid under this subsection shall be retained by the city or county enforcing the violation to be used for enforcement of section 453A.2.

Sec. 64. Section 455A.11, Code 1997, is amended to read as follows:

455A.11 PREFERENCES IN TEMPORARY EMPLOYMENT.

In its employment of persons in temporary positions in conservation and outdoor recreation, the department of natural resources shall give preference to persons meeting eligibility requirements for the green thumb program ~~under section 15.227~~ and to persons working toward an advanced education in natural resources and conservation.

Sec. 65. Section 487.909, Code Supplement 1997, is amended to read as follows:

487.909 RESIGNATION OF AGENT FOR SERVICE OF PROCESS.

An agent for service of process of a foreign limited partnership may resign as agent by signing and delivering to the secretary of state an original statement of resignation for filing in accordance with section ~~487.206~~ 487.108. The agent shall send a copy of the statement of resignation by certified mail to the foreign limited partnership at its principal place of business. The agent shall certify to the secretary of state that the copy has been sent to the limited partnership, including the date the copy was sent. The appointment of the agent terminates on the date on which the statement is filed by the secretary of state.

Sec. 66. Section 490.1110, subsection 2, Code Supplement 1997, is amended to read as follows:

2. This section does not apply in any of the following circumstances:

a. The corporation does not have a class of voting stock that is listed on a national securities exchange, authorized for quotation on the national association of securities dealers automated quotations – national market system, or held of record by more than two thousand shareholders, unless any of the foregoing results from action taken, directly or indirectly, by an interested shareholder or from a transaction in which a person becomes an interested shareholder.

b. The corporation's original articles of incorporation contain a provision expressly electing not to be governed by this section.

c. The corporation, by action of its board of directors, adopts an amendment to its bylaws by no later than September 29, 1997, expressly electing not to be governed by this section, which amendment shall not be further amended by the board of directors.

d. The corporation, by action of its shareholders, adopts an amendment to its articles of incorporation or bylaws expressly electing not to be governed by this section, provided that, in addition to any other vote required by law, such amendment to the articles of incorporation or bylaws must be approved by the affirmative vote of a majority of the shares entitled to vote. An amendment adopted pursuant to this paragraph is effective immediately in the case of a corporation that has never had a class of voting stock that falls within any of the three categories set out in paragraph "a" and has not elected by a provision in its original articles of incorporation or any amendment to such articles to be governed by this section. In all other cases, an amendment adopted pursuant to this paragraph is not effective until twelve months after the adoption of the amendment and does not apply to any business combination between the corporation and any person who became an interested shareholder of the corporation on or prior to such adoption.

An amendment to the bylaws adopted pursuant to this paragraph shall not be further amended by the board of directors.

e. A shareholder becomes an interested shareholder inadvertently and both of the following apply:

(1) As soon as practicable the shareholder divests itself of ownership of sufficient shares so that the shareholder ceases to be an interested shareholder.

(2) The shareholder would not, at any time within the three-year period immediately prior to a business combination between the corporation and such shareholder, have been an interested shareholder but for the inadvertent acquisition of ownership.

f. (1) The business combination is proposed prior to the consummation or abandonment of and subsequent to the earlier of the public announcement or the notice required in this paragraph of a proposed transaction which satisfies all of the following:

(a) Constitutes a transaction described in subparagraph (2).

(b) Is with or by a person who either was not an interested shareholder during the previous three years or who became an interested shareholder with the approval of the corporation's board of directors or who became an interested shareholder during the time period described in paragraph "g".

(c) Is approved or not opposed by a majority of the members of the board of directors then in office who were directors prior to any person becoming an interested shareholder during the previous three years, or who were recommended for election or elected to succeed such directors by a majority of such directors.

(2) A proposed transaction under subparagraph (1) is limited to the following:

(a) A merger of the corporation, other than a merger pursuant to section 490.1104.

(b) A sale, lease, exchange, mortgage, pledge, transfer, or other disposition, in one or more transactions and whether as part of a dissolution or otherwise, of assets of the corporation or of any direct or indirect majority-owned subsidiary of the corporation, other than to a direct or indirect wholly owned subsidiary of the corporation or to the corporation itself, which has an aggregate market value equal to fifty percent or more of either the aggregate market value of all of the assets of the corporation determined on a consolidated basis, or the aggregate market value of all the outstanding stock of the corporation.

(c) A proposed tender or exchange offer for fifty percent or more of the outstanding voting stock of the corporation.

(3) The corporation shall give no less than twenty days' notice to all interested shareholders prior to the consummation of any of the transactions described in subparagraph (2), subparagraph subdivision (a) or (b).

g. The business combination is with an interested shareholder who becomes an interested shareholder of the corporation at a time when the corporation is not subject to this section pursuant to ~~paragraphs~~ paragraph "a", through "b", "c", or "d".

Notwithstanding paragraphs "a" through "d", a corporation may elect under its original articles of incorporation or any amendment to such articles to be subject to this section. However, such amendment shall not apply to restrict a business combination between the corporation and an interested shareholder of the corporation if the interested shareholder became such prior to the effective date of the amendment.

Sec. 67. Section 499.22, Code Supplement 1997, is amended to read as follows:
499.22 CAPITAL STOCK.

An association with capital stock may divide the shares into common and preferred stock. Par value stock shall not be issued for less than par. The general corporation laws shall govern the consideration for which no-par stock is issued. If the articles so provide, common stock may be issued in two classes, voting and nonvoting. Voting stock shall be issued to all agricultural producers and nonvoting stock to all other members. Voting stock or nonvoting stock may be issued to a cooperative association as provided in the ~~cooperative association's~~ articles of incorporation of the association issuing the stock. Nonvoting stock shall have all privileges of membership except the right to vote. Preferred stock held by nonmembers shall not exceed in amount that held by members.

Sec. 68. Section 513B.7, subsections 2 and 3, Code Supplement 1997, are amended to read as follows:

2. A small employer carrier or organized delivery system shall file each March 1 with the commissioner or the director of public health an actuarial certification that the small employer carrier or organized delivery system is in compliance with this section and that the rating methods of the small employer carrier or organized delivery system are actuarially sound. A copy of the certification shall be retained by the small employer carrier or organized delivery system at its principal place of business.

3. A small employer carrier or organized delivery system shall make the information and documentation described in subsection 1 available to the commissioner or ~~organized delivery system~~ the director of public health upon request. The information is not a public record or otherwise subject to disclosure under chapter 22, and is considered proprietary and trade secret information and is not subject to disclosure by the commissioner or the director of public health to persons outside of the division or department except as agreed to by the small employer carrier or organized delivery system or as ordered by a court of competent jurisdiction.

Sec. 69. Section 513B.10, subsection 4, paragraph b, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

A carrier or organized delivery system offering group health insurance coverage shall not impose any preexisting condition exclusion as follows:

Sec. 70. Section 514E.1, subsection 1, Code Supplement 1997, is amended to read as follows:

1. "Association" means the Iowa comprehensive health insurance association established by section 514E.2.

Sec. 71. Section 514E.7, subsection 4, paragraph b, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

Plan coverage shall not impose any preexisting condition exclusion as follows:

Sec. 72. Section 535.11, subsection 4, Code 1997, is amended to read as follows:

4. With respect to an open account, the creditor may impose a finance charge not exceeding that permitted by section 537.2202, ~~subsections~~ subsection 2 and 3.

Sec. 73. Section 537.2202, subsection 3, Code Supplement 1997, is amended by striking the subsection.

Sec. 74. Section 537.2402, subsection 3, Code Supplement 1997, is amended by striking the subsection.

Sec. 75. Section 537B.2, subsection 2, Code 1997, is amended to read as follows:

2. "Motor vehicle" means a motor vehicle as defined in section 321.1 which is subject to registration. However, "motor vehicle" does not include a motor vehicle, as defined in section 321.1, with a ~~registered~~ gross vehicle weight rating of more than twelve thousand pounds.

Sec. 76. Section 556.13, subsection 3, Code Supplement 1997, is amended to read as follows:

3. If the holder of property reported to the treasurer of state is the issuer of a certificated security, the treasurer of state has the right to obtain a replacement certificate pursuant to section ~~554.8408~~ 554.8405 but an indemnity bond is not required.

Sec. 77. Section 602.6110, subsection 1, Code Supplement 1997, is amended to read as follows:

1. A peer review court may be established in each judicial district to divert certain ~~youthful~~ juvenile offenders from the criminal or juvenile justice systems. The court shall consist of a qualified adult to act as judge while the duties of prosecutor, defense counsel, court attendant, clerk, and jury shall be performed by persons twelve through seventeen years of age.

Sec. 78. Section 614.1, subsection 2A, paragraph b, subparagraph (1), Code Supplement 1997, is amended to read as follows:

(1) The fifteen-year limitation in paragraph "a" shall not apply to the time period in which to discover a disease that is latent and caused by exposure to a harmful material, in which event the cause of action shall be deemed to have accrued when the disease and such disease's cause have been made known to the person or at the point the person should have been aware of the disease and such disease's cause. This subsection shall not apply to cases governed by section 614.1, subsection 11.

Sec. 79. Section 633.556, subsection 3, Code Supplement 1997, is amended to read as follows:

3. Section 633.551 applies to the appointment of a ~~conservator~~ guardian.

Sec. 80. Section 673.3, unnumbered paragraph 4, Code Supplement 1997, is amended to read as follows:

The domesticated animal may ~~aet~~ react unpredictably to conditions, including, but not limited to, a sudden movement, loud noise, an unfamiliar environment, or the introduction of unfamiliar persons, animals, or objects.

Sec. 81. Section 730.5, subsection 3, paragraph f, Code 1997, is amended to read as follows:

f. The employer shall provide substance abuse evaluation, and treatment if recommended by the evaluation, with costs apportioned as provided under the employee benefit plan or at employer expense, if there is no employee benefit plan, the first time an employee's drug test indicates the presence of alcohol or a controlled substance. An employer shall take no disciplinary action against an employee due to the employee's drug involvement the first time the employee's drug test indicates the presence of alcohol or a controlled substance if the employee undergoes a substance abuse evaluation, and if the employee successfully completes substance abuse treatment if treatment is recommended by the evaluation. However, if an employee fails to undergo substance abuse evaluation when required under the results of a drug test, or fails to successfully complete substance abuse treatment when recommended by an evaluation, the employee may be disciplined up to and including discharge. The substance abuse evaluation and treatment provided by the employer shall take

place under a program approved by the department of public health or accredited by the joint commission on the accreditation of hospitals health care organizations.

Sec. 82. Section 805.8, subsection 2, paragraph c, Code Supplement 1997, is amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brake lights, under sections 321.317, 321.387, 321.388, 321.389, 321.390, ~~321.391~~, 321.392, 321.393, 321.422, 321.432, 321.436, 321.437, 321.438, subsection 1 or 3, sections 321.439, 321.440, 321.441, 321.442, 321.444, and 321.445, the scheduled fine is ten dollars.

Sec. 83. Section 805.8, subsection 2, paragraph p, Code Supplement 1997, is amended by striking the paragraph.

Sec. 84. Section 805.8, subsection 2, paragraph q, Code Supplement 1997, is amended to read as follows:

q. For failure to have proper carrier identification markings under section ~~325.31, 327.19, 327A.8, or~~ 327B.1, the scheduled fine is fifteen dollars.

Sec. 85. Section 805.8, subsection 2, paragraph v, Code Supplement 1997, is amended to read as follows:

v. Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures and exceptions contained in sections 805.6 to 805.11, irrespective of the amount of the fine under that schedule. Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one hundred dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one hundred dollars:

(1) ~~Shall shall~~, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information,

(2) but otherwise, shall be chargeable only upon indictment or county attorney's information.

PARAGRAPH DIVIDED. In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one hundred dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

Sec. 86. Section 805.8, subsection 11, paragraph b, subparagraph (2), Code Supplement 1997, is amended to read as follows:

(2) For failing to pay the civil penalty under section 453A.2, subsection 2, the scheduled criminal fine is twenty-five dollars if the violation is a first offense, fifty dollars if the violation is a second offense, and one hundred dollars if the violation is a third or subsequent offense. Failure to pay the scheduled criminal fine shall not result in the person being detained in a secure facility. The complainant shall not be charged a filing fee.

Sec. 87. Section 809A.4, subsection 2, paragraph b, Code 1997, is amended to read as follows:

b. If the only conduct giving rise to forfeiture is a violation of section 124.401, subsection ~~3~~ 5, real property is not subject to forfeiture and other property subject to forfeiture pursuant to paragraph "a", subparagraph (2), may be forfeited only pursuant to section 809A.14.

Sec. 88. Section 903A.2, Code Supplement 1997, is amended to read as follows:
903A.2 GOOD CONDUCT TIME.

1. Each inmate committed to the custody of the director of the department of corrections is eligible for a reduction of sentence for good behavior in the manner provided in this section. For purposes of calculating the amount of time by which an inmate's sentence may be reduced, inmates shall be grouped into the following two sentencing categories:

a. Category "A" sentences are those sentences which are not subject to a maximum accumulation of good conduct time of fifteen percent of the total sentence of confinement under section 902.12. To the extent provided in subsection 5, category "A" sentences also include life sentences imposed under section 902.1. An inmate of an institution under the control of the department of corrections who is serving a category "A" sentence is eligible for a reduction of sentence equal to one day for each day of good conduct while committed to one of the department's institutions. In addition, each inmate who is serving a category "A" sentence is eligible for an additional reduction of up to five days per month if the inmate participates satisfactorily in any of the following activities:

- (1) Employment in the institution.
- (2) Iowa state industries.
- (3) An employment program established by the director.
- (4) A treatment program established by the director.
- (5) An inmate educational program approved by the director.

b. Category "B" sentences are those sentences which are subject to a maximum accumulation of good conduct time of fifteen percent of the total sentence of confinement under section 902.12. An inmate of an institution under the control of the department of corrections who is serving a category "B" sentence is eligible for a reduction of sentence equal to fifteen eighty-fifths of a day for each day of good conduct by the inmate.

2. Good conduct time earned pursuant to this section may be forfeited in the manner prescribed in section 903A.3.

3. Time served in a jail or another facility prior to actual placement in an institution under the control of the department of corrections and credited against the sentence by the court shall accrue for the purpose of reduction of sentence under this section. Time which elapses during an escape shall not accrue for purposes of reduction of sentence under this section.

4. Time which elapses between the date on which a person is incarcerated, based upon a determination of the board of parole that a violation of parole has occurred, and the date on which the violation of parole was committed shall not accrue for purposes of reduction of sentence under this section.

5. Good conduct time accrued by inmates serving life sentences imposed under section 902.1 shall not reduce the life sentence, but shall be credited against the inmate's sentence if the life sentence is commuted to a term of years under section 902.2.

Sec. 89. Section 903A.7, Code Supplement 1997, is amended to read as follows:
903A.7 SEPARATE SENTENCES.

Consecutive multiple sentences that are within the same category under section 903A.2 shall be construed as one continuous sentence for purposes of calculating reductions of sentence for good conduct time. If a person is sentenced to serve sentences of both categories, category "B" sentences shall be served before category "A" sentences are served, and good conduct time earned against the category "B" sentences shall not be used to reduce the category "A" sentences. If an inmate serving a category "A" sentence is sentenced to serve a category "B" sentence, the category "A" sentence shall be interrupted, and no further good conduct time shall accrue against that sentence until the category "B" sentence is completed.

Sec. 90. Section 910.9, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

Fines, penalties, and surcharges, crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees claimed by a sheriff pursuant to section 356.7, court-appointed attorney's fees, and expenses for public defenders, shall not be withheld by the clerk of court until all victims have been paid in full. Payments

to victims shall be made by the clerk of court at least quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender, shall notify all victims that full restitution has been made, and a copy of the notice shall be sent to the sentencing court. Each office or individual charged with supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the offender has complied fully with the community service requirement, notify the sentencing court.

Sec. 91. 1997 Iowa Acts, chapter 84, section 6, is amended to read as follows:

SEC. 6. EFFECTIVE DATE — APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment. Notwithstanding Prior to the beginning of school for the school year beginning July 1, 1997, and notwithstanding the timing of the notice requirements in section 4 of this Act, a school district may conduct periodic inspection of school lockers, desks, or other facilities or spaces if the school district sends a notice to all students and the students' parents, guardians, or legal custodians prior to commencing any inspections.

Sec. 92. 1997 Iowa Acts, chapter 130, section 3, is amended by striking the section and inserting in lieu thereof the following:

SEC. 3. Section 904.102, subsection 8, Code 1997, is amended to read as follows:

8. ~~Correctional release center~~ Newton correctional facility.

Sec. 93. 1997 Iowa Acts, chapter 137, section 7, is amended by striking the section and inserting in lieu thereof the following:

SEC. 7. Section 455B.304, subsection 2, Code 1997, is amended to read as follows:

2. The commission shall adopt rules that allow the use of wet or dry sludge from publicly owned treatment works for land application. A sale of wet or dry sludge for the purpose of land application shall be accompanied by a written agreement signed by both parties which contains a general analysis of the contents of the sludge. The heavy metal content of the sludge shall not exceed that allowed by rules of the commission. An owner of a publicly owned treatment works which sells wet or dry sludge ~~is not subject to criminal liability for acts or omissions in connection with a sale, and~~ is not subject to any action by the purchaser to recover damages for harm to person or property caused by sludge that is delivered pursuant to a sale unless it is a result of a violation of the written agreement or if the heavy metal content of the sludge exceeds that allowed by rules of the commission. Nothing in this section shall provide immunity to any person from action by the department pursuant to section 455B.307. The rules ~~promulgated~~ adopted under this subsection shall be generally consistent with those rules of the department existing on January 1, 1982, regarding the land application of municipal sewage sludge except that they may provide for different methods of application for wet sludge and dry sludge.

Sec. 94. 1997 Iowa Acts, chapter 175, section 110, is amended by striking the section and inserting in lieu thereof the following:

SEC. 110. Section 252I.1, subsections 1, 3, 5, and 8, Code 1997, are amended to read as follows:

1. "Account" means "account" as defined in section 524.103, "share account or shares" as defined in section 534.102, the savings or deposits of a member received or being held by a credit union, or certificates of deposit. "Account" also includes deposits held by an agent, a broker-dealer, or an issuer as defined in section 502.102 and money-market mutual fund accounts. However, "account" does not include amounts held by a financial institution as collateral for loans extended by the financial institution.

3. "Court order" means ~~"court support order"~~ "court support order" as defined in section ~~252C.1~~ 252J.1.

5. "Financial institution" ~~includes a bank, credit union, or savings and loan association~~

means "financial institution" as defined in 42 U.S.C. § 669A(d)(1). "Financial institution" also includes an institution which holds deposits for an agent, broker-dealer, or an issuer as defined in section 502.102.

8. "Support" or "support payments" means "support" or "support payments" as defined in section ~~252D.1~~ 252D.16A.

Sec. 95. 1997 Iowa Acts, chapter 176, section 32, is amended by striking the section and inserting in lieu thereof the following:

SEC. 32. Section 235A.15, subsection 2, paragraph b, unnumbered paragraph 1, Code 1997, as amended by this Act, is amended to read as follows:

Persons involved in an ~~investigation~~ or assessment of child abuse as follows:

Sec. 96. 1997 Iowa Acts, chapter 176, section 33, is amended by striking the section and inserting in lieu thereof the following:

SEC. 33. Section 235A.15, subsection 2, paragraph b, subparagraphs (2), (3), (4), and (8), Code 1997, as amended by this Act, are amended to read as follows:

(2) To an employee or agent of the department of human services responsible for the ~~investigation~~ or assessment of a child abuse report.

(3) To a law enforcement officer responsible for assisting in an ~~investigation~~ assessment of a child abuse allegation or for the temporary emergency removal of a child from the child's home.

(4) To a multidisciplinary team, if the department of human services approves the composition of the multidisciplinary team and determines that access to the team is necessary to assist the department in the ~~investigation~~, diagnosis, assessment, and disposition of a child abuse case.

(8) To a licensing authority for a facility providing care to a child named in a report, if the licensing authority is notified of a relationship between facility policy and the alleged child abuse under section ~~232.71, subsection 4~~ 232.71B.

Sec. 97. 1997 Iowa Acts, chapter 176, section 37, is amended by striking the section and inserting in lieu thereof the following:

SEC. 37. Section 235A.15, subsection 6, Code 1997, as amended by this Act, is amended to read as follows:

6. a. If a child who is a legal resident of another state is present in this state and a report of child abuse is made concerning the child, the department shall act to ensure the safety of the child. The department shall contact the child's state of legal residency to coordinate the ~~investigation~~ or assessment of the report. If the child's state of residency refuses to conduct an ~~investigation~~ or assessment, the department shall commence an appropriate ~~investigation~~ or assessment.

b. If a report of child abuse is made concerning an alleged perpetrator who resides in this state and a child who resides in another state, the department shall assist the child's state of residency in conducting an ~~investigation~~ or assessment of the report. The assistance shall include but is not limited to an offer to interview the alleged perpetrator and any other relevant source. If the child's state of residency refuses to conduct an ~~investigation~~ or assessment of the report, the department shall commence an appropriate ~~investigation~~ or assessment. The department shall seek to develop protocols with states contiguous to this state for coordination in the ~~investigation~~ or assessment of a report of child abuse when a person involved with the report is a resident of another state.

Sec. 98. 1997 Iowa Acts, chapter 176, section 39, is amended by striking the section and inserting in lieu thereof the following:

SEC. 39. Section 235A.19, subsection 2, paragraph a, Code 1997, as amended by this Act, is amended to read as follows:

a. A subject of a child abuse report may file with the department within six months of the date of the notice of the results of an ~~investigation~~ required by section 232.71, subsection 7,

~~or~~ an assessment performed in accordance with section ~~232.71A~~ 232.71B, a written statement to the effect that report data and disposition data referring to the subject is in whole or in part erroneous, and may request a correction of that data or of the findings of the ~~investigation or~~ assessment report. The department shall provide the subject with an opportunity for an evidentiary hearing pursuant to chapter 17A to correct the data or the findings, unless the department corrects the data or findings as requested. The department may defer the hearing until the conclusion of a pending juvenile or district court case relating to the data or findings.

Sec. 99. RETROACTIVE APPLICABILITY. Sections 92 through 94 of this Act, amending 1997 Iowa Acts, chapters 130, 137, and 175, are retroactively applicable to July 1, 1997.

Approved April 15, 1998

CHAPTER 1101

ENHANCED E911 EMERGENCY TELEPHONE SYSTEMS — WIRELESS COMMUNICATIONS SURCHARGE AND E911 ADMINISTRATOR

S.F. 530

AN ACT relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 16.161, Code 1997, is amended to read as follows:
16.161 AUTHORITY TO ISSUE E911 PROGRAM BONDS AND NOTES.

The authority shall assist the ~~department of public defense administrator appointed pursuant to section 34A.2A or~~* as provided in chapter 34A, subchapter II and the authority shall have all of the powers delegated to it by a joint E911 service board or the department of public defense in a chapter 28E agreement with respect to the issuance and securing of bonds or notes and the carrying out of the purposes of chapter 34A.

Sec. 2. Section 16.161, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The authority shall provide a mechanism for the pooling of funds of two or more joint E911 service boards to be used for the joint purchasing of necessary equipment and reimbursement of land-line and wireless service providers' costs for upgrades necessary to provide E911 service. When two or more joint E911 service boards have agreed to pool funds for the purpose of purchasing necessary equipment to be used in providing E911 service, the authority shall issue bonds and notes as provided in sections 34A.20 through 34A.22.

Sec. 3. Section 34A.2, subsection 2, Code 1997, is amended to read as follows:

2. "Administrator" means the E911 administrator of the division of emergency management of the department of public defense appointed pursuant to section 34A.2A.

Sec. 4. Section 34A.2, subsection 3, Code 1997, is amended by striking the subsection.

* The underscored word "or" probably not intended